

REMARKS/ARGUMENTS

Claims 1, 14 and 21 stand rejected under 35 USC 102(e) as being anticipated by Bearden (2003/0086425). Applicants respectfully traverse this rejection for at least the reasons stated below.

Applicant notes the priority date of the instant application stems from U.S. Provisional Patent Application Ser. No. 60/392,115, entitled, "NETWORK RESOURCE MANAGEMENT IN A NETWORK DEVICE," filed June 27, 2002. The Bearden patent application has a filing date of October 15, 2002. Applicant does not believe that every portion of the 262 paragraphs and 27 drawings in the Bearden patent application were fully disclosed and supported in the provisional patent application that Bearden claims priority from. As such, Applicant respectfully requests the Examiner to provide the portions of the Bearden U.S. Provisional Patent Application Ser. No. 60/329,569 that were used to reject every limitation of every claim of the instant application.

As stated in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit, as will be detailed below, that Bearden does not, either expressly or inherently, teach or suggest various limitations recited in the pending claims.

For example, claim 1 discloses a method of managing one or more local resource properties, each having a value, by one or more managed network devices in a network comprising a network management system and a central data store, the method comprising the steps of:

- (a) monitoring the value of said one or more local resource properties;
- (b) generating a learning event report comprising the value of at least one of the one or more local resource properties; and
- (c) transmitting the learning event report to the central data store;

wherein the value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing.

Applicant does not believe that Bearden discloses asynchronous processing as described in claims 1, 14 and 21 of the instant application, for example, at least in paragraph 34:

[0034] The learning even report is preferably transmitted automatically without necessarily being initiated at or prompted by the NMS 202 associated with the LRPs. Upon receipt of a learning event report, the LRPs are written to or otherwise recorded at the central data store where the report is made available at to the NMS and any authorized network administration personnel, for example. The NMS may therefore retrieve the state, value, or quality of any of the one or more LRPs of the one or more MNDs as needed. Since the upload of the LRPs by the one or more MNDs is independent of the retrieval by the NMS, the management system of the present invention may be termed an asynchronous management system.

However, purely in the interest of expediting the prosecution of the instant invention, Applicant has amended the claims to include the following limitations, which are not described by Bearden: wherein the value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices independent of retrieval of the value by the network management system. Applicant reserves the right to rescind such an amendment if the portions of the Bearden application that were used to reject every limitation of every claim of the instant application were not present in the Bearden U.S. Provisional Patent Application Ser. No. 60/329,569.

As such, Applicant believes that the independent claims, as well as the claims that depend on them are in condition for allowance.

Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

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